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12 Attorneys for Plaintiffs

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 THE BOARD OF TRUSTEES OF THE
16 CONSTRUCTION INDUSTRY AND
17 LABORERS HEALTH AND WELFARE
18 TRUST; THE BOARD OF TRUSTEES OF
19 THE CONSTRUCTION INDUSTRY AND
20 LABORERS JOINT PENSION TRUST;
21 THE BOARD OF TRUSTEES OF THE
22 CONSTRUCTION INDUSTRY AND
23 LABORERS VACATION TRUST; THE
24 BOARD OF TRUSTEES OF THE
25 SOUTHERN NEVADA LABORERS
26 LOCAL 872 TRAINING TRUST,

27 Case No. 2:13-cv-00160-GMN-VCF

28 **REQUEST TO DISMISS CLAIMS
AGAINST MCCARTHY BUILDING
COMPANIES, INC. WITHOUT
PREJUDICE**

AND ORDER

27 Plaintiffs,
28 vs.
29
30 SIX STAR CLEANING & CARPET
31 SERVICE, INC., a Nevada corporation;
32 BURKE CONSTRUCTION GROUP, INC., a
33 Nevada corporation; CBRE, INC., a Delaware
34 corporation; CLARK CONSTRUCTION
35 GROUP, LLC, a Maryland limited liability
36 company; M & H ENTERPRISES, INC., a
37 Nevada corporation; McCARTHY
38 BUILDING COMPANIES, INC., a Missouri
39 corporation; MIG WEST, INC., a Nevada
40 corporation; M.M.C., INC., a Nevada
41 corporation; SHAWMUT DESIGN AND
42 CONSTRUCTION, a Massachusetts

1 corporation; THOR CONSTRUCTION,
2 INC., a Minnesota corporation; TISHMAN
3 CONSTRUCTION CORPORATION OF
4 NEVADA, a Nevada corporation; TUTOR
5 PERINI BUILDING CORP., an Arizona
corporation; TRE BUILDERS, LLC, a
Nevada limited liability company; and,
WHITING BROS. CONSTRUCTION CO., a
Nevada corporation.

6 Defendants.

7
8 Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs, the Boards of Trustees of
9 the Construction Industry and Laborers Health and Welfare Trust, the Construction Industry and
10 Laborers Joint Pension Trust, the Construction Industry and Laborers Vacation Trust, and the
11 Southern Nevada Laborers Local 872 Training Trust (collectively "Trust Funds"), hereby request
12 that the Court dismiss Defendant McCarthy Building Companies, Inc., without prejudice, each
13 party to bear its own attorneys' fees and costs.

14 Dated: July 31, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP

16 /s/ Ryan C. Curtis

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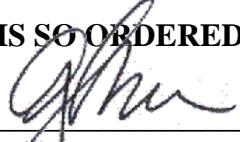
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26 **ORDER**

27 **IT IS SO ORDERED.**

28 
Gloria M. Navarro
United States District Judge

DATED: 07/31/2013